IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
THURSDAY, THE FIRST DAY OF JULY
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE MR JUSTICE K.C. BHANU
WRIT PETITION NO : 11038 of 2004

Between:
A. Shiva Kumar, S/o. Baswaraj,
R/o. H.No. 1-19, Suryapalli (V), Doulathabad (M), Mahaboobnagar District.
..... PETITIONER

AND

1 The Secretary, Regional Transport Authority (Regional Transport Officer), Mahaboobnagar.
2 The Motor Vehicle Inspector, (Special Grade), Mahaboobnagar.
.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the seizure and continued detention of the petitioner's LMV Tempo Trax (Jeep) bearing R.No. MH-20/E-8512 seized under Vehicle Check Report No. 364960 dt. 4-6-2004 by the 2nd respondent, i.e. The Motor Vehicle Inspector, (Special Grade), Mahaboobnagar, as illegal, unjust, arbitrary, unconstitutional and without jurisdiction and consequently direct the respondents to release the petitioner's LMV Tempo (Jeep) Vehicle forthwith to the petitioner.

Counsel For the Petitioner:MR.RAJANIKANTH JWALA

Counsel For the Respondent No.: GP FOR TRANSPORT

The Court Made the Following :

O r d e r:

At the request of the learned counsel appearing on both sides, the matter is taken up for hearing and disposed of.

The vehicle of the petitioner bearing No.
MH-20-E-8512 was seized by the second respondent under check report No.364960 dated:4-6-2004 on the ground that at the time of check by the

second respondent he found certain irregularities i.e., the vehicle was found plying without valid documents. Questioning the said seizure the present writ petition is filed.

It is submitted by the learned counsel appearing for the petitioner that the petitioner has already made an application to the first respondent for interim custody of the vehicle; but the same has not been considered so far. The violations, if any, have to be decided in the enquiry to be conducted by the competent authority. It is not desirable to keep the vehicle idle, exposing it to sun and rain causing damage to the vehicle.

In the result, the writ petition is disposed of directing the first respondent to grant interim custody of the vehicle in question to the petitioner on his depositing a sum of Rs.5,000.00 (Rs. Five thousand only) with the following conditions.

i) that the vehicle in question shall not be alienated or transferred to any other person, during the pendency of the inquiry;

ii) that the vehicle shall be produced as and when required by the concerned authority;

iii) that the amount deposited shall be adjusted, if the authority found that the petitioner violated the provisions of the Motor Vehicles Act and Rules framed there under; and

iv) in the circumstances no costs.

_____

K.C.BHANU, J.

01-07-2004
BVS
Note: Wire at party's cost. (BO) BVS.

To
1 The Secretary, Regional Transport Authority (Regional Transport Officer), Mahaboobnagar.
2 The Motor Vehicle Inspector, (Special Grade), Mahaboobnagar.
3. .2CCs to the GP for Transport, High Court of AP (OUT)
2.2CD copies